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July 3, 2002

BY HAND

Mary L. Cottrell, Secretary
Department of Telecommunication
and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Fitchburg Gas and Electric Light Company, D.T.E. 02-25 Electric Division
Rate Requests

Dear Ms. Cottrell:

Enclosed for filing in the above-referenced proceeding, please find Fitchburg Gas and Electric Light Company's responses to the following Department of Telecommunication and Energy First and Second Set of Document and Information Requests:

DTE-1-38	DTE-1-39	DTE-1-40	DTE-1-41	DTE-1-44	DTE-1-45
DTE-1-46	DTE-1-55	DTE-1-58	DTE-2-4	DTE-2-40	DTE-2-42
DTE-2-43	DTE-2-44	DTE-2-45	DTE-2-46	DTE-2-47	DTE-2-48
DTE-2-49	DTE-2-50	DTE-2-51	DTE-2-52	DTE-2-53	DTE-2-55
DTE-2-57	DTE-2-59	DTE-2-61	DTE-2-62	DTE-2-63	DTE-2-64
DTE-2-65	DTE-2-66	DTE-2-71	DTE-2-72	DTE-2-73	DTE-2-74
DTE-2-75	DTE-2-76	DTE-2-77	DTE-2-78	DTE-2-79	DTE-2-80
DTE-2-81	DTE-2-82	DTE-2-83	DTE-2-84		

Mary L. Cottrell, Secretary
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Please note that the response to DTE 2-15 (BULK) contains information that is confidential to FG&E. Accordingly, I also enclose a Motion for Protective Treatment regarding this information, and the confidential portion of Attachment DTE 2-15 is provided in single copy to Hearing Officer Jeanne Voveris, and to the parties subject to the terms of a negotiated confidentiality agreement.

Please also note that DTE 1-58, DTE 1-59, DTE 2-62 and DTE 2-72 reference the electronic spreadsheets requested of Mr. James L. Harrison. Because of the size and nature of these electronic files, we expect to file them as a CD, separately with the Hearing Officer, on Friday, July 5, 2002.

For the convenience of the Department and the Parties we have indicated which data responses are Common to Dockets DTE 02-24 (Gas) and DTE 02-25 (Electric), although separate copies of these responses are being filed in each docket.

Thank you for your attention to this matter.

Very truly yours,



Patricia M. French

PMF:rtm

Attachments

cc: Jeannie Voveris, Esq., Hearing Officer (3)
Sean Hanley, Asst. Director Rates and Revenues Requirement Division (6)
Paul E. Osborne, Asst. Director Rates and Revenue Requirement Division (6)
Wilner Borgella, Jr. Assistant Attorney General (4)
Matthew T. Morais, Esq., DOER
Service List

CERTIFICATION AS TO CONFERENCE
D.T.E. 02-24/D.T.E. 02-25

I, Patricia French, certify that on July 3, 2002, I attempted to ascertain whether the full parties to this proceeding would object to the following Motions:

1. Motion for Protective Treatment re: AG-1-6 and AG-1-87
2. Motion for Protective Treatment re: DTE-2-15

DOER indicated to Meabh Purcell, also representing FG&E in these dockets, that it would not oppose Motion for Protective Treatment re: AG-1-6 and AG-1-87. It did not respond to my inquiries relative to Motion for Protective Treatment re: DTE-2-15. The Attorney General did not respond to either request.

I will notify the Department if either party indicates a change in position.



Patricia M. French

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY

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D.T.E. 02-24/ 02-25

**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
FOR PROTECTIVE TREATMENT**

NOW COMES Fitchburg Gas and Electric Light Company ("FG&E") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure over certain confidential and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D. In support of its Motion, FG&E states:

1. On June 25, 2002, the Department issued an information request (DTE-2-15), that requested all invoices to support rate case expenses thus incurred. While the invoices are derived multiple sources, such as FG&E's consultants and experts assisting it in these matters, the invoices also include and detail the activities of FG&E's legal advisors.

2. Redaction of FG&E's legal invoices is necessary and appropriate to protect and preserve FG&E's attorney –client privilege. According to M.G.L. c. 25, sec. 5D, the Department may protect from public disclosure "trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings." In addition, in discovery matters, the Department may look to the Rules of Civil Procedure, that provide, under Rule 26(b)(4)

In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental

impressions conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

3. The rule of Hickman v. Taylor, 329 U.S. 495 (1947), instructs that discovery, except in extremely unusual circumstances, may not be had of an attorney's mental impressions and similar intellectual work-product. This protection applies also to "other representative(s) of a party," provided their work relates to litigation.

4. In order to meet the Department's standard to demonstrate the just and reasonable level of rate case expense, FG&E must provide the Department with legal invoices, that, without redaction, would provide and divulge the exchange of information between Unitil, FG&E and their lawyers and litigation advisors. The release of this information, which patently displays the work requested by Unitil/FG&E to be completed by their lawyers and litigation advisors, itself a confidential communicate', would be in clear violation of the attorney-client privilege. Accordingly, this information should remain protected by the attorney-client privilege.

5. Therefore, FG&E asks the Department to permit it to provide the legal invoices in this proceeding, as requested by the parties or the Department, pursuant to a mutually acceptable confidentiality agreement, albeit redacted to remove the information on the invoices deemed subject to the attorney-client privilege. FG&E seeks protection over the legal invoices provided pursuant to DTE-2-15, and all other legal invoices that may be necessary in order to respond to FG&E's discovery obligations in this proceeding.

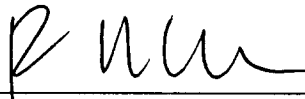
➤ **WHEREFORE**, Fitchburg Gas and Electric Light Company respectfully requests that the Department of Telecommunications and Energy grant its Motion for Protective Treatment as

stated herein, and protect FG&E's legal invoices from public disclosure.

Respectfully submitted,

**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

By its attorneys,



Scott J. Mueller

Patricia M. French

Meabh Purcell

LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.

260 Franklin Street

Boston, MA 02110-3173

(617) 439-9500

Dated: July 3, 2002

CERTIFICATION

I, Patricia M. French, hereby certify that I have, this 3rd day of July, 2002 served a copy of the attached Responses of Fitchburg Gas and Electric Light Company to the Department of Telecommunication and Energy's First and Second Set of Document and Information Requests on Department of Telecommunications and Energy, the Attorney General and the Division of Energy Resources and on each of the remaining individuals on the service list on file with the Secretary of the Department of Telecommunications and Energy for D.T.E. 02-25 by first class mail and electronic mail.

Dated at Boston, this 3rd day of July, 2002.



Patricia M. French